

REPLY UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER – 1743

REMARKS

Reconsideration of this application and entry of the amendments above is respectfully requested, in view of the above amendments and the following remarks. Claims 1 and 4 are pending in the present application. Claims 1 and 4 are objected to. Claims 6-11 were withdrawn by the Examiner in view of the Amendment of August 18, 2004. Claims 2, 3 and 5 have been canceled.

The Examiner indicated that Claims 1 and 4 are objected to due to a typographical error in the recitation of the organic base “Me2Bn.” Applicants respectfully submit that Claim 1 as previously amended in the Amendment of August 18, 2004 does not recite “Me2Bn”. Claim 1 correctly recites Me2NBn (dimethylbenzyl amine) as a base. Me2NBn, NBu3 (tributyl amine) and Me2NBu (dimethylbutyl amine) are included in the Markush group of tertiary amine bases in Claim 1. Because Claim 1 does not recite Me2Bn, and the recitation of Me2NBn in Claim 1 is correct, Applicants submit that no correction of a typographical error in Claim 1 is required. Claim 4 depends from Claim 1 and incorporates the amendments to Claim 1.

Applicants respectfully request that the objection of Claims 1 and 4 be withdrawn.

RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

In the Office Action of May 18, 2004, the Examiner indicated that Claim 6 was objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants amended Claim 6 by rewriting it as an independent claim. In the current Office Action, the Examiner indicated that newly amended Claims 6-11 are independent or distinct from the invention originally claimed. The Examiner indicated that original Claim 6 was dependent on Claim 4, which is dependent on Claim 1, however, new Claim 6 is entirely different and would have been restricted if originally presented in its current form. As a result, the Examiner has withdrawn Claims 6-11 from consideration as being directed to a non-elected invention.

In a telephone conversation on December 21, 2004 between Baerbel Brown, Attorney for the Applicants, and Examiner Cole, the Examiner indicated that redrafting Claim 6 to depend from Claim 4 would place Claims 6-11 in the position for allowance.

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In this Amendment after Final, Applicants have amended Claim 6 to delete the phrase “in an organic solvent system” and to depend from Claim 4, which depends from Claim 1. Claims 7-11 depend from Claim 6 and incorporate the amendments to Claim 6.

Applicants respectfully request that Claims 6-11 be reinstated and the withdrawal of Claims 6-11 under the Restriction Requirement be withdrawn. Applicants further respectfully request that the objections to Claims 6-11, due to their dependence on previously rejected Claims 1 and 4, be withdrawn.

Applicants believe that all of the objections and rejections have been overcome by amendment and/or argument, and therefore earnestly solicit an early Notice of Allowance.

Respectfully submitted,

By


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